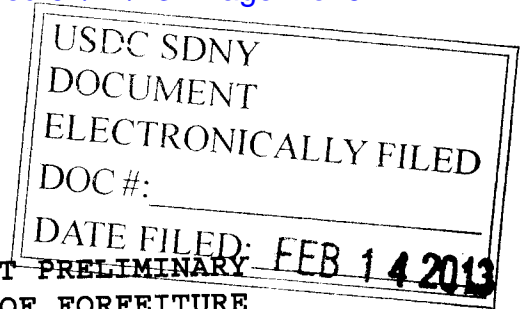


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- - - - - X



UNITED STATES OF AMERICA :
- v. - :
DMITRY SLOBODYANSKY, :
Defendant. :
- - - - - X

CONSENT PRELIMINARY
ORDER OF FORFEITURE

S6 12 Cr. 171 (JPO)

WHEREAS, on or about February 14, 2013, DMITRY SLOBODYANSKY (the "defendant"), was charged in Superseding Information S6 12 Cr. 171 (JPO) (the "Information") with conspiracy to commit mail fraud and health care fraud, in violation of 18 U.S.C. § 371 (Count One);

WHEREAS, the Information included a forfeiture allegation seeking forfeiture to the United States, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(7) and 28 U.S.C. § 2461(c), of all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense charged in Count One of this Information, including but not limited to a sum of money equal to \$494,125.02 in United States currency, in that such sum in aggregate is property representing the amount of gross proceeds obtained as a result of the offense charged in Count One, which sum includes all funds seized from the following accounts by

agents of the Federal Bureau of Investigation on or about June 15, 2012:

Account no. 831070297, held in the name of Ocean Chiropractic PC at JP Morgan Chase (the "Subject Property");

WHEREAS, on or about February 14, 2013, the defendant pled guilty to Count One of the Information pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation and agreed to forfeit to the United States (i) a sum of money equal to \$494,125.02 in United States currency, representing the amount of gross proceeds obtained from the offense charged in Count One of the Information; and (ii) all of the defendant's right, title and interest in the Subject Property;

WHEREAS, the defendant consents to the imposition of a money judgment in the amount of \$494,125.02 in United States currency, representing the amount of gross proceeds obtained as a result of the offense charged in Count One, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(7) and 28 U.S.C. § 2461(c);

WHEREAS, the defendant further consents to the forfeiture of all of his right, title and interest in the Subject Property;

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3) and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now

entitled, pending any assertion of third-party claims, to reduce the Subject Property to its possession and to notify any person who reasonably appears to be a potential claimant of its interest therein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney, Preet Bharara, United States Attorney, Assistant United States Attorneys Daniel S. Goldman and Carolina A. Fornos, of counsel, and the defendant, and his counsel, David Zapp, Esq. that:

1. As a result of the offense charged in Count One of the Information, a money judgment in the amount of \$494,125.02 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. As a result of the offense charged in Count One of the Information, all of the defendant's right, title and interest in the Subject Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Order of Forfeiture, this Order is final as to the defendant, DMITRY SLOBODYANSKY, and shall be deemed part of

the sentence of the defendant, and shall be included in the judgment of conviction therewith.

4. Upon entry of this Consent Preliminary Order of Forfeiture, the United States Marshal Service (or its designee) is authorized to seize the Subject Property and hold the Subject Property in its secure, custody and control.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Consent Preliminary Order of Forfeiture. Any person, other than the defendant in this case, claiming an interest in the Subject Property must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Subject Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

7. Pursuant to Rule 32.2(b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Subject Property pursuant to Title 21, United States Code, Section 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

9. All payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshal

Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

10. Upon execution of this Consent Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshal Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

11. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

12. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

13. The Clerk of the Court shall forward three certified copies of this Order to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

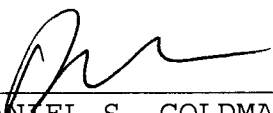
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14. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

By:



DANIEL S. GOLDMAN
CAROLINA A. FORNOS
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
Tel.: (212) 637-2289/2740

Feb 13, 2013
DATE

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DMITRY SLOBODYANSKY, DEFENDANT

By: 

DMITRY SLOBODYANSKY

2.14.13
DATE

By: 

DAVID ZAPP, ESQ.

7 E. 94th Street, Suite 1A
New York, NY 10128

2/14/13
DATE

SO ORDERED:


HONORABLE J. PAUL OETKEN

United States District Judge

2/14/13
DATE